

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)	
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**DECLARATION OF JASON G. SHEASBY IN SUPPORT OF NETLIST INC.'S
OPPOSITION TO SAMSUNG'S MOTION FOR SUMMARY JUDGMENT OF
NO WILLFULNESS (DKT. 341)**

I, Jason G. Sheasby, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Opposition to Samsung’s Motion for Summary Judgment of No Willfulness (Dkt. 341). I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct excerpted copy of the Transcript of Audio-Recorded Oral Argument on June 8, 2023 in Case No. 22-55209 before the United States Court of Appeals, Ninth Circuit.

3. Attached as **Exhibit 2** is a true and correct copy of the Samsung/Netlist Partnership Opportunity on April 2015 with bates range NETLIST_SAMSUNG_EDTX00064073-NETLIST_SAMSUNG_EDTX00064160.

4. Attached as **Exhibit 3** is a true and correct copy of the Proposal to Samsung Submitted by Netlist, Inc. on April 2015 with bates range NETLIST_SAMSUNG_EDTX00034451-NETLIST_SAMSUNG_EDTX00034454.

5. Attached as **Exhibit 4** is a true and correct copy of correspondence between J. Kim and H. Kim on November 8, 2016 with bates range NL046600-NL046601.

6. Attached as **Exhibit 5** is a true and correct copy of a correspondence letter from J. Lo to E. Rhow on October 15, 2023 with bates range NETLIST_SAMSUNG_EDTX00190254-NETLIST_SAMSUNG_EDTX00190255.

7. Attached as **Exhibit 6** is a true and correct copy of correspondence between M. Frechette to J. Sung and J. Lo on July 22, 2020 with bates range NL109261-NL109262.

8. Attached as **Exhibit 7** is a true and correct copy of the Order re. Motions for Summary

Judgment and Related Applications (ECF Nos. 141, 143, 145-47, 149-50, 169) filed as Dkt. 186 in Case No. 8:20-cv-00993-MCS-ADS on October 14, 2021.

9. Attached as **Exhibit 8** is a true and correct copy of the Complaint for Declaratory Judgment of Non-Infringement and Unenforceability; Breach of Contract filed as Dkt. 1 in Case No. 1:21-cv-01453-UNA on October 15, 2021.

10. Attached as **Exhibit 9** is a true and correct copy of the Order on Pretrial Motions and Motions *in Limine* filed as Dkt. 432 in Case No. 2:21-cv-00463-JRG on April 5, 2023.

11. Attached as **Exhibit 10** is a true and correct excerpted copy of Volume 1 of the Pretrial Conference on March 28, 2023 filed as Dkt. 426 in Case No. 2:21-cv-463-JRG on April 3, 2023.

12. Attached as **Exhibit 11** is a true and correct excerpted copy of the Ho-Jung Kim Deposition Transcript on August 13, 2021 in *Netlist v. Samsung*, No. 8:20-cv-00993-MCS-DFM (C.D. Cal.).

13. Attached as **Exhibit 12** is a true and correct copy of the translated and original [REDACTED]

[REDACTED] with bates range NL108731 - NL108762.

14. Attached as **Exhibit 13** is a true and correct copy of a correspondence letter from M. Martinez to J. Kelly on April 1, 2010 with bates number NETLIST_SAMSUNG_EDTX00021960.

15. Attached as **Exhibit 14** is a true and correct copy of the License Assurance/Disclosure Form on November 22, 2010 with bates range NETLIST_SAMSUNG_EDTX00021928-NETLIST_SAMSUNG_EDTX00021959.

16. Attached as **Exhibit 15** is a true and correct copy of the Notice of Refusal to Offer Licenses on RAND Terms Form on December 6, 2010 with bates range NETLIST_SAMSUNG_EDTX00022048-NETLIST_SAMSUNG_EDTX00022079.

17. Attached as **Exhibit 16** is a true and correct copy of a correspondence letter from S. Cunningham to J. Kelly on September 7, 2011 with bates range

NETLIST_SAMSUNG_EDTX00021961-NETLIST_SAMSUNG_EDTX00021993.

18. Attached as **Exhibit 17** is a true and correct copy of the Minutes of Meeting No. 163 JC-40 Digital Logic Committee with bates range SAM-NET00074543-SAM-NET00074558.

19. Attached as **Exhibit 18** is a true and correct copy of the Sungjoo Park Deposition Transcript on November 23, 2022 in this Action.

20. Attached as **Exhibit 19** is a true and correct copy of correspondence from M. Williams to K. Moreton on July 4, 2021 with bates range SAM-NET-293_00037703-SAM-NET-293_00037704.

21. Attached as **Exhibit 20** is a true and correct copy of the Order on Google's Motion to Strike, Google and Netlist's Respective Motions for Summary Judgment, and Google's Motion to Amend. *Netlist v. Google LLC*, No. 4:09-cv-05718 RS, Dkt. 258 (N.D. Cal. May 5, 2022).

22. Attached as **Exhibit 21** is a true and correct copy of the License Assurance/Disclosure Form on February 23, 2012 with bates range NETLIST_SAMSUNG_EDTX00021994-NETLIST_SAMSUNG_EDTX00022003.

23. Attached as **Exhibit 22** is a true and correct copy of the License Assurance/Disclosure Form on April 7, 2016 with bates range NETLIST_SAMSUNG_EDTX00022004-NETLIST_SAMSUNG_EDTX00022011.

24. Attached as **Exhibit 23** is a true and correct copy of JEDEC Patent Policy, JM21V, dated November 2023.

25. Attached as **Exhibit 24** is a true and correct copy of a correspondence letter from J. Sohi to J.B. Lee, H. Chang, and S. Sung on June 8, 2022 with bates range NETLIST_SAMSUNG_EDTX00037348 - NETLIST_SAMSUNG_EDTX00037356.

26. Attached as **Exhibit 25** is a true and correct excerpted copy of Netlist's First Notice of Deposition of Samsung Electronics Co. et al. Pursuant to Rule 30(b)(6), dated October 19, 2023,

together with an email from Samsung's counsel identifying the topics designated for Mr. Junseon Yoon dated November 5, 2023.

27. Attached as **Exhibit 26** is a true and correct excerpted copy of the Junseon Yoon Deposition Transcript Volume I on November 8, 2023.

28. Attached as **Exhibit 27** is a true and correct excerpted copy of the Seung-Mo Jung Deposition Transcript on November 13, 2023.

29. Attached as **Exhibit 28** is a true and correct excerpted copy of the Sung Joo Park Deposition Transcript on November 15, 2023.

30. Attached as **Exhibit 29** is a true and correct excerpted copy of bates document SAM-NET-293_00154432 produced by Samsung of its sales record in this Action.

31. Attached as **Exhibit 30** is a true and correct excerpted copy of the Indong Kim Deposition Transcript on December 8, 2022.

32. Attached as **Exhibit 31** is a true and correct copy of correspondence between N. Knuth and H. Sung on February 21, 2017 with bates range SEC000472-SEC000475.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 30, 2024, in Marshall, Texas.

By /s/ Jason G. Sheasby
Jason G. Sheasby